

Andover Conservation Commission Meeting Minutes
May 18, 2010

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Howard Kassler, Commissioner Alix Driscoll, Commissioner Al French, Commissioner Gail Ralston, and Commissioner Michael Walsh. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Bancroft School

Present in Interest: Mark Johnson, Lorraine Finnegan, Joseph Piantedosi, Joseph Reilly, Bill Sours, Tom Williams, Todd Jackson, Dan Borenstein, and Tom Garrish

Informational discussion on the Bancroft School Project which is currently before the Massachusetts School Board of Directors. We approved the ORAD last year. The biggest issue for the Conservation Commission will be the filling of a town and federal jurisdictional wetland, however an area twice its size will be replicated.

Lorraine Finnegan informed the Commission about the process of deciding which building design to use. The MSBA is paying for a portion and their guidelines must be followed. The first 2 options for the building were to build in front of the existing building or in back of the existing building. From those 2 plans, came Modified 1C, which shows the building in front with the entry on the southside with allows for contiguous playing fields and maintains the buffer. There are 4 isolated wetlands with BVW in the rear. There will be a surface detention basin at the front of the property. There will be a filling of a wetland needed for the construction of an athletic field with a 2/1 mitigation.

Both the police and fire departments want a second access to the school. Both suggested using West Knoll because of the easy access from South Main Street.

Commissioner French encouraged the building committee to strive for walkability or bikeability for the children attending the school to cut down on the vehicle traffic.

Todd Jackson informed the Commission that when the delineation was done, Holt Road Access was missed and there is a wetland at the access point.

Tom Garrish asked if plan Modified 1C as brought before the fire and police departments. He would encourage the committee to keep the walking path.

Dan Borenstein as representing Andover Soccer Association. There are 3 soccer fields at the Bancroft and 1 at Shawsheen. ASA needs more field space to accommodate the large number of kids playing soccer.

It was brought up that a study was done years ago when the search for extra field space had begun and it was too wet then and is too wet now. A filing with the Conservation Commission is expected to be in October of 2010.

23 Osgood Street

Staff Recommendation: Continue

Public Meeting on the Request for Determination of Applicability filed to determine if the boundaries of resource areas are accurately delineated and if the proposed septic system upgrade is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The Applicant has requested a continuance to June 15, 2010. Staff agrees with the delineation and the disturbed area is beginning to vegetate.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to June 15, 2010, it was seconded by Commissioner Driscoll and unanimously approved.

58 Prospect Street

Present in Interest: Connie Williamson

Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed replacement of a subsurface sewage disposal system is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is complete and no waivers are requested. Staff is not ruling on the wetland line, but the line viewed by Staff meets the requirements under the Act and By-Law.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

5 Norwich Place

Present in Interest: Edward Goguen

Staff Recommendation: Approve as Pos.2b and Neg.6.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of an inground swimming pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This is a "Backyard Project". The Applicant has shifted the pool to maximize the distance from the wetland. Waivers are requested for engineered plans and contours. Sedimentation control will be needed. The pool will be installed on existing grass area. The project is well over 50 feet from the wetlands.

Chairman Cooper asked the Applicant to clarify grading. The Applicant agreed that there will be some grading to install the pool. The Applicant agreed that there will be grading within 50 feet of the BVW and he will obtain the necessary permits from the Town.

Commissioner Driscoll thought the Commission should not grant the waiver for engineered plans if we do not know where the lot lines are. Chairman Cooper asked the Applicant to add scaling to the existing plan to show where the pool is in relation to the house, lot lines and wetland.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to a date uncertain; it was seconded by Commissioner Driscoll and unanimously approved.

360 South Main Street

Present in Interest: Bernard Paquin, Janet Bernardo, Pam and Rob Ford

Staff Recommendation: Close the public hearing and issue the Order of Conditions on June 1, 2010 with the assistance of Janet Bernardo.

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a Church building expansion with related parking areas, landscaping areas, underground utilities (roof drainage, sewer, etc.), drainage structures and stormwater management areas.

Agent Cleary presented this to the Commission. This was continued from December 15, 2009 for purposes of a peer review. The filing is complete. Waivers are requested due to the constraints of the site, setbacks cannot be met. Mr. Paquin and Ms. Bernardo will address the need for the waivers. The plans have been revised to reflect the new wetland

line requested by staff; stormwater management standards have been met to the maximum extent practicable; any discharge into a municipal system requires a permit from the Town and/or state; mitigation and installation of bounds should be completed prior to commencement of work; all DPW concerns have been addressed; Applicant has eliminated walkways, minimized impervious areas, etc. on site wherever possible; five parking spaces have been removed from the existing commuter lot and the detention pond has been increased for the installation of a sediment forebay; sediment forebay added to detention basin #2; trench drains have been added upstream of both detention basins; and infiltration has been increased by replacing existing roof drains with PVC piping laid in stone trenches.

Applicant is requesting waivers for the following:

1. work within the 25 foot no-disturb;
2. building closer than 50 feet to the wetland;
3. stormwater management and infiltration could not allow a 2 foot separation due to high water table;
4. does not meet water quality treatment per DEP regulations, but have met to the best extent possible.

Janet Bernardo addressed the Commission. The Applicant has made significant improvements on the water quality and most of time meets the 80% guideline, but there are a few areas that do not. The Applicant is in “compliance to maximum extent practicable”. If the Commission enforces the guideline of 100%, the addition will not be able to be built. In order to meet the guidelines 100%, the Applicant would have to raise the entire area enough to get a two foot separation this would be a hardship on the Applicant.

Commissioner French suggested the Commission approve only Phase I and see what happens. Vice Chairman Kassler agreed that the Commission could grant the waivers for the Phase I only and then have the Applicant come back before the Commission. He also recommended that monitoring of the stormwater to be part of maintenance plan and that all stormwater improvements and mitigation be part of Phase I.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to Approve the waivers for Phase I only, close the Public Hearing and have Janet Bernardo assist with the Order of Conditions to be issued on June 1, 2010. The Motion was seconded by Commissioner Driscoll and unanimously approved.

Central Street #64

Present in Interest: Paula and Rob Ford, Abigail O’Hara, Maryann Millar, Maureen Hanley

Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of an inground swimming pool, patio, spa, fire pit, shed and associated site work.

Agent Cleary presented this to the Commission. This was continued from April 13, 2010 for purposes of staff and consultant to agree on rear wetland line and submittal deficiencies to be corrected. The filing is under the WPA only and is complete at this time. Waivers are being requested for work in the 25 foot and 50 foot areas. The project does not fully comply with our setbacks as the home predates the By-Law. This is a "Backyard Project". A DA was issued by the previous Director in 1998 with a condition that a 25 foot non-disturb area be maintained in the rear in perpetuity for the construction of the garage. The wetland flags were moved a considerable distance upgradient in the rear of the property. Upon staff's site visit, it was determined that there was no compliance with the 25 foot non-disturb area which was being maintained as lawn.

The Applicant has come to agreement with the rear wetland line and will install non-disturb monumentation markers and plantings in the 25 foot non-disturb area. Fencing will be placed around the pool and a planting plan will be submitted prior to the next meeting.

Chairman Cooper asked for a Motion. Commissioner French made a Motion to Approve the waivers requested, plantings within the 25 foot non-disturb and fire pit within the 50 foot non-disturb and seating not to exceed 3 feet in height. The Motion was seconded by Vice Chairman Kassler and unanimously approved.

Vice Chairman Kassler made a Motion to close the public hearing and issue the Order of Conditions on June 1, 2010; it was seconded by Commissioner French and unanimously approved.

**16 Off Webster Street
18 Off Webster Street**

Present in Interest: Steve Stapinski, Barbara Benanti, Gayle Wells, Michelle Kwab-Heg, Pamela Richardson

Staff Recommendation: Issuance of Enforcement Order with restoration plan to be submitted by June 15, 2010.

Both 16 and 18 Off Webster Street were opened simultaneously. Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family house and associated site work.

Agent Cleary presented this to the Commission. Neither filings are complete or ready for a decision tonight. The filings are under both the WPA and the By-Law. There are wetland violations on site that were not mentioned in the Notice of Intent or depicted on

the plans submitted. This will need to be addressed prior to any new work proposed. No ANR's or building permits have been applied for or obtained. Wetland flagging across the street needs to be depicted on the plan so that offsets on the lots can be verified. For 16 Off Webster Street the lot lines on site differ from the plan and site conditions. Pre-existing contours do not comport to existing conditions. Plan states the property lines have been taken from existing records. The tree line does not comport to site conditions. Distances to BVW and closest point of work need to be depicted. Trees 10" in caliber or greater not depicted on either plan. Waiver requested for 18 Off Webster Street for inability to meet driveway setback. The wetland line shown in the one confirmed by Jeff Bridge in June 2009.

16 Off Webster – Septic and grading within 100 feet to 50 feet of setback; driveway within 50 feet to 100 feet of setback. Existing lot of record, no Form A plan.

18 Off Webster – wetland in front of lot near Stevens Street; septic and grading between 50 and 100 foot setback; driveway within 25 foot non-disturb.

Commissioner Driscoll questioned the lot lines for each lot. It is unclear from the plans submitted.

No DEP number issued, public hearing must be continued.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to a date uncertain and a friendly enforcement order to remove sediment from the wetland with staff to follow up on lot lines (ANR's and building permits); it was seconded by Commissioner Driscoll and unanimously approved.

15 Blanchard Street

Present in Interest: Chris Huntress, Laura Ruiz, Ursula Nicholas, Robert Slayton and Joe Pantedosi.

Staff Recommendation: Continue to a date uncertain.

Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of three little league fields, one multi-purpose field and associated drainage, parking and walkways.

Mr. Douglas presented this to the Commission. No DEP number has been issued. The property consists of 14 acres on Blanchard Street bought to replace the fields the Town is losing on Chandler Street. The farm house will be removed and 3 little league fields and 1 multi-purpose field will be installed with 160 parking spaces. There are wetlands in the back of the property and there will be some work within the 100 foot buffer for underground drainage for one field. The parking lot will be paved with drainage and infiltration and a rain garden planted. Infiltration chambers will be placed around the

fields with 18” of agricultural soil and 4-8 feet of gravel. The Commission may wish to have Janet Bernardo conduct the peer review.

Robert Slayton expressed his concern that the increased runoff from the fields will increase the flooding on Stouffer Circle.

Chairman Cooper asked for a Motion. Vice Chairman Kassler made a Motion to continue to a date uncertain and have a limited peer review done for hydraulics; it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

30 Minuteman Road

Present in Interest: John Crowe

Staff Recommendation: Approve.

Request for a three year extension to the Order of Conditions.

Commissioner Ralston made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

300 & 400 Minuteman Road

Present in Interest: John Crowe

Staff Recommendation: Approve

Request for a three year extension to the Order of Conditions.

Commissioner Ralston made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

173 Greenwood Road/Vraj Circle

Staff Recommendation: Approve

Request for a three year extension to the Order of Conditions.

Commissioner Ralston made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

13-17 Boutwell Road

Congregational Beth Israel

Staff Recommendation: Table until site visit can be made.

Vice Chairman Kassler made a Motion to table; it was seconded by Commissioner Driscoll and unanimously approved.

12 Dawn Circle

Present in Interest: Dennis Conlin

Staff Recommendation: Approve

Request for a three year extension to the Order of Conditions.

Commissioner Ralston made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

22 Granli Drive

Staff Recommendation: Approve

Consideration of significance for revisions to two additions, elimination of two at-grade patios and addition of an above ground deck.

Vice Chairman Kassler made a Motion to find the changes insignificant; it was seconded by Commissioner Ralston and unanimously approved.

8 Acorn Drive

Staff Recommendation: Approve

Issuance of an Order of Conditions.

Vice Chairman Kassler made a Motion to issue the Order of Conditions; it was seconded by Commissioner Ralston and unanimously approved.

116 Haverhill Street

Staff Recommendation: Issue Enforcement Order

Enforcement for unpermitted clearing and work within the wetland.

Vice Chairman Kassler made a Motion to issue the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

DISCUSSION ITEMS:

233 Lowell Street

Discussion regarding letter from Florida Tower Partners, LLC suggesting the placement of a cell phone tower.

No action taken.

Rogers Dell

Present in Interest: Emily Granoff, Kerry O'Kelly, Sarah and Grace

Review proposed work with Girl Scouts and Town. The girls wish to renovate the corner at Lupine Road and School Street by removing 3 invasive species and planting native plants and new signage. Commissioner Ralston questioned the maintenance of the area after the work had been completed. The troop will adopt the area and be responsible for the upkeep of the area. They will clean up the dumping that has occurred and would like to extend the fence line with taller shrubs to prevent any further dumping.

Vice Chairman Kassler made a Motion to Approve the project; it was seconded by Commissioner Ralston and unanimously approved.

Lincoln Woods

Present in Interest: Mark Johnson

Phase Two of the Conservation Restriction. Attorney Johnson requested a continuance.

Commissioner Ralston made a Motion to continue to June 1, 2010, it was seconded by Commissioner Walsh and unanimously approved.

The next meeting will be held at 7:45pm on June 1, 2010.

The meeting was adjourned at 10:30pm by Motion of Commissioner Ralston, seconded by Vice Chairman Kassler and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**

